

ORIGINAL

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12/07/2016

Renk, Rex

*Ed Smith*

CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: AF 09-0688

**From:** globalsearch <globalsearch@gmail.com>  
**Sent:** Tuesday, December 6, 2016 3:21 PM  
**To:** Court, SCclerk  
**Subject:** Re: Proposed Rule 8.4(g) - Professional Rules of Conduct for MT Attorneys

December 6, 2016

Re: Professional Rules of Conduct - Proposed Rule 8.4(g)

Honorable Members of the Court:

In your order of October 26, 2016 regarding case number AF 09-0688 you have called for public comment on the **proposed Rule 8.4(g)** of the Professional Rules of Conduct for Montana Attorneys. **I hereby submit my request that you reject the adoption of this rule** for the following reasons:

By the adoption of this rule Montana Lawyers will find their "verbal conduct" severely limited, even in social activities "in connection with the practice of law." This limitation on free speech sets a dangerous precedent, as it erodes an attorney's federal First Amendment protections as well as privacy protections enshrined in the MT Constitution.

Most significantly, **Rule 8.4(g)'s could abridge a citizen's First Amendment right to "petition the government for a redress of grievances."** Potential pro bono litigants, especially, would likely be denied the opportunity to obtain legal advice and access to the courts.

The final sentence of the proposed rule states, "This paragraph does not preclude legitimate advice or advocacy consistent with these rules." Since Rule 8.4(g) is included in "these rules," the effect of this sentence is, "Rule 8.4 does not preclude legitimate advice consistent with rule 8.4." Rules for the professional conduct of attorneys ought not to contain circular reasoning.

For the above reasons, I urge the court to reject the adoption of Rule 8.4(g).

Sincerely,

Carol Tasset  
231 Terry Avenue  
Billings, MT 59101

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